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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 MARK SCOTT

12 vs.

13 THE VESSEL ORION

14 Plaintiff,

15 Defendant.


CASE NO. 08cv1016 JM(BLM)

ORDER DENYING MOTION OF
DEFENDANT DAVE HAMMEL TO
APPEAR

16 On or about June 6, 2008 Plaintiff commenced an in rem action alleging that the vessel Orion
17 failed to compensate him for services rendered. On June 24, 2008 Plaintiff filed a motion entitled
18 "Motion of Dave Hammel to Appear." Essentially, the one sentence Motion requests that Dave
19 Hammel be joined as a Defendant. The Motion is not accompanied by an amended complaint. The
20 court denies the motion because leave of court is not required for Plaintiff to file an amended
21 complaint. Federal Rule of Civil Procedure provides that a plaintiff "may amend its pleading once
22 as a matter of course." Fed.R.Civ.P. 15(a)(1). Consequently, Plaintiff need only file an amended
23 complaint to join Dave Hammel as a party. The court also notes that any service of process on the
24 proposed Defendant must comply with Federal Rule of Civil Procedure 4.

25 **IT IS SO ORDERED.**

26 DATED: July 9, 2008

27 
Hon. Jeffrey T. Miller
United States District Judge

28 cc: All parties